

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff

v.

LONNIE EUGENE LILLARD,

Defendant.

CASE NO. CR16-7RSM

ORDER DENYING MOTION FOR FULL
RESENTENCING

This matter comes before the Court on Defendant Lonnie Lillard's "Motion for Full Resentencing." Dkt. #520.

The Government argues that Mr. Lillard has no legal basis for this relief and that the Court lacks the inherent authority to grant it. Dkt. #522 at 1 (citing *United States v. Handa*, 122 F.3d 690, 691 (9th Cir. 1997)). The Ninth Circuit recently remanded for the Court to re-sentence Mr. Lillard in a different case dealing with supervised release violations from a prior conviction. *See* Case No. 15-cr-270, Dkt. #45. The new fraud sentence in this case was left intact. These two sentences, the supervised release violation and the new fraud, were set to run concurrently.

Mr. Lillard does not clearly cite to a rule or statute for the requested relief. Rule 35 resentencing is untimely and otherwise inapplicable. This is not a § 2255 petition. Mr. Lillard cites to *United States v. Hanson*, 936 F.3d 876 (9th Cir. 2019), and *Troiano v. United States*, 918

1 F.3d 1082 (9th Cir. 2019). The Government points out the various ways these cases are
2 inapplicable, *see* Dkt. #522 at 2–3, the most important being that the Ninth Circuit did not vacate
3 the sentence at issue here, just the sentence for the supervised release violations in Case No. 15-
4 cr-270. *See* Case No. 15-cr-270, Dkt. #45 at 18 (“We vacate the 36-month sentence imposed for
5 Lillard’s violation of supervised release and remand to the district court for re-sentencing in that
6 case.”). The Court’s 196-month sentence in this case was not otherwise illegal and the Court
7 would decline to reconsider it in its discretion, if it had discretion to do so.
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9 Having reviewed the briefing by the parties, along with the remainder of the record, the
10 Court hereby finds and ORDERS that Defendant Lonnie Lillard’s “Motion for Full
11 Resentencing,” Dkt. #520, is DENIED.

12 DATED this 4th day of August, 2023.
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16 RICARDO S. MARTINEZ
17 UNITED STATES DISTRICT JUDGE
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